

# SENATE . . . . . No. 441

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## The Commonwealth of Massachusetts

PRESENTED BY:

**Richard R. Tisei**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to assure uniformity in the regulation of sanitary sewage treatment and disposal.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard R. Tisei	Middlesex and Essex
Bruce E. Tarr	First Essex and Middlesex
Michael R. Knapik	Second Hampden and Hampshire
Robert L. Hedlund	Plymouth and Norfolk
Scott P. Brown	Norfolk, Bristol and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. S00556 OF 2007-2008.]

## **The Commonwealth of Massachusetts**

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**In the Year Two Thousand and Nine**

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### **AN ACT TO ASSURE UNIFORMITY IN THE REGULATION OF SANITARY SEWAGE TREATMENT AND DISPOSAL.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority  
of the same, as follows:*

1           SECTION 1. Section 13 of chapter 21A of the General Laws, as appearing in the 2004  
2           Official Edition, is hereby amended by inserting after the fourth sentence thereof the following:-

3           Notwithstanding the provisions of any general or special law to the contrary, no municipal board  
4           of health may promulgate any such regulation which impose standards, procedures or other  
5           requirements more stringent than or otherwise exceeding those set forth in the state  
6           environmental code, and in particular Title 5 thereof, concerning any matter relating to the  
7           subsurface treatment or disposal of sanitary sewage, including without limitation the  
8           construction, alteration or inspection of any system thereof. Provided, however, that where the  
9           board of health of any municipality determines, based upon unique local environmental  
10          concerns, supported by findings that have generally recognized scientific basis, the board of  
11          health may file a written application for approval to adopt such regulations with the  
12          commissioner of the department of environmental protection. Such application shall include an  
13          explanation of such unique local conditions, the specific regulation or regulations sought to be  
14          adopted by the board of health and copies of the scientific data, evidence and study that forms  
15          the basis for the application. Upon the receipt of a completed application with accompanying  
16          documentation, the commissioner of the department of environmental protection shall, within  
17          thirty days, make a written determination of whether the proposed regulations are reasonably  
18          necessary for the protection of public health, safety, welfare and the environment of said  
19          municipality and approve or disapprove said regulations. No additional or more stringent  
20          regulations shall be adopted or become effective in any municipality until approved by the  
21          commissioner of the department of environmental protection.